

CHARLES M. HUDSPETH.

APRIL 6, 1846.

Read, and laid upon the table.

Mr. JOHN A. ROCKWELL, from the Committee of Claims, made the following

REPORT :

The Committee of Claims, to whom was referred the petition of Charles M. Hudspeth, report :

That the impropriety of paying the claim is clearly set forth in the letter of the Third Auditor of the Treasury. The case is stated in the annexed memorial.

The committee recommend the adoption of the following resolution:

Resolved, That the prayer of the petitioner ought to be rejected.

January 10, 1844.

SIR: I have the honor to inform you that your letter to the Secretary of War, and the letter of Charles M. Hudspeth sent therewith, have been referred to this office. Mr. H.'s letter is dated Fort Smith, December 10, 1843, and in it he has represented that he purchased of Aaron Perrin, a volunteer in the army under General Jackson in the Escambia campaign, his certificate of lost property for the want of forage, for \$165; that said Perrin belonged to Captain Josiah Hanna's company, and R. H. Dyer's Regiment; that after some years the government passed an act to pay for all lost property; that the writer then presented his certificate to Colonel Bedford, of Nashville, Tennessee, who was a paymaster, or appointed to liquidate those certificates, by whom he was informed that he would have to get those officers to correct it; that in the meantime Dyer died, and Captain Hanna removed to Illinois and also died; that after a long series of years his certificate is either lost or mislaid, so that it cannot be found, and his only remedy for his just rights is in and through Congress; that he wishes you to attend to the matter; and that when he uses the word his certificate, he should say R. H. Dyer and Hanna's. After a reference thereto in your letter, you have requested that the subject may be examined, and the claim of which you have no doubt he is the just owner passed upon. In May, 1822, an act of Congress was passed for the relief of the volunteers engaged in the campaign of 1818 against the Seminole Indians, and whereby payment for the loss of horse and equipage in the manner therein mentioned was authorized. All claims under the law had to be

transmitted to this office, and, in accordance with the law and the rules prescribed under it, the commanding officer of every company had to furnish a roll under oath, showing the number of horses lost in said company in manner aforesaid, the time lost, and the name of the owner. Colonel R. H. Dyer commanded one of the Tennessee regiments, and which included a company commanded by Captain Josiah Hanna. No claim in the name of Aaron Perrin for a loss during the campaign can be found to have been presented at this office, and the verified roll of losses furnished by Captain Hanna has therein no entry as to any such loss. Further, on resort to the muster rolls of Captain Hanna's company, they are found to exhibit no evidence that such a person as Aaron Perrin ever served in it. William H. Bedford, of Nashville, Tennessee, was concerned as agent or attorney for a very large number of the volunteers in obtaining payment of their claims, not as an officer of the government in liquidating them. No application can be found to have been made by him as to any claim in the name of Aaron Perrin. The law before alluded to remains in force; but without such evidences as it and the rules established under it render necessary, no claim can be allowed. In the present case, it is not perceived how, circumstanced as it appears to be, a claim could by any evidence be substantiated. Mr. H.'s letter is returned.

With great respect, &c.

PETER HAGNER, Auditor.

Hon. EDWARD CROSS,

House of Representatives.

To the honorable House of Representatives in Congress assembled:

Your petitioner, Charles M. Hudspeth, of the county of Crawford, in the State of Arkansas, respectfully represents: That in the year 1818 he became the purchaser of a certificate granted to one Aaron Sharon or Sherin, a private in the company of Captain Josiah Hanna, in the regiment commanded by Colonel R. H. Dyer, for property lost during the Escambia campaign. That the amount of said certificate was one hundred and sixty-five dollars, (\$165); that no part of said amount has ever been paid to your petitioner. That after the appropriation made by Congress to pay claims of this nature, your petitioner sent the said certificate and transfer, by one Sampson Williams, esq., to Col. Bedford, of Nashville, Tennessee, for collection; that the papers were returned by Bedford, who stated that the certificate was correct and lawful, but that the certificate of the magistrate before whom the transfer from Sharon or Sherin to your petitioner was made was informal and incorrect. That every exertion was made by your petitioner to find the said Sharon or Sherin, to have said transfer legally and formally executed, but without success. That the said certificate has been lost or mislaid. Therefore your petitioner would most humbly pray that relief may be granted him, and that justice long deferred may be done; and your petitioner, as in duty bound, will ever pray, &c.

CHAS. M. HUDSPETH.

STATE OF ARKANSAS, county of Crawford:

Be it remembered, that on this 25th day of November, A. D. 1845, personally appeared before me, Samuel Edmondson, an acting and duly

Commissioned justice of the peace in and for the county of Crawford, and State of Arkansas, aforesaid, Charles M. Hudspeth, the petitioner in the foregoing petition, who, upon oath, stated that the facts set forth in said petition are true to the best of his knowledge, information, and belief, so help him God.

CHAS. M. HUDSPETH.

Sworn to and subscribed before me, as such justice, the day and year aforesaid.

S. EDMONDSON, *J. P.*

STATE OF ARKANSAS, *county of Crawford, ss:*

I, Alexander McLean, clerk of the circuit court within and for the county of Crawford aforesaid, do hereby certify that Samuel Edmondson, before whom the annexed and foregoing affidavit was taken, was, at the time of making the same, and now is, an acting justice of the peace in and for the county aforesaid, duly commissioned and qualified according to law, and that full faith and credit should be given to all his official acts as such.

In testimony whereof, I have hereunto set my hand as clerk of said circuit court, and affixed the seal of my office, at office, this 2d day of December, A. D. 1845.

A. McLEAN, *Clerk.*

STATE OF MISSISSIPPI, *Tippah county:*

Personally appeared before me, Nathan M. Wilcox, an acting justice of the peace in and for said county, Charles Hudspeth, who made oath that he was present and saw Charles M. Hudspeth purchase of Aaron Sharon or Sherin, in the year 1818, a certificate which was granted to said Aaron Sharon or Sherin, a private in the company of Captain Josiah Hanna, in the regiment commanded by Colonel R. H. Dyer, for property lost during the Escambia campaign; and that he knows the amount of said certificate was one hundred and sixty-five dollars; and said Charles Hudspeth also made oath that he knows said Charles M. Hudspeth paid said Aaron Sharon or Sherin to his satisfaction for said certificate.

Given under my hand and seal this 8th day of January, 1846.

CHAS. HUDSPETH. [SEAL.]

Sworn to and subscribed before me, a justice of the peace for said county.

N. M. WILCOX, [SEAL.]

Justice of the Peace.

THE STATE OF MISSISSIPPI, *Tippah county:*

I, Daniel Hunt, clerk of the probate court of said county, do hereby certify that N. M. Wilcox, whose name appears officially to the foregoing affidavit, is now, and was at the time of making the same, an acting justice of the peace in and for said county of Tippah, duly elected, qualified, and commissioned, and that his acts as such are and should be entitled to full faith and credit.

Given under my hand and the seal of said court at office in Ripley,

[L. s.] the 17th day of January, A. D. 1846.

DANIEL HUNT, *Clerk.*